THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22226 of 2004

Dated: 24.08.2006

Between
V.P.V.Ramanaiah

…..Petitioner

and

1.The District Collector,
Visakhapatnam and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22226 of 2004

ORDER:

This writ petition is filed seeking a Mandamus to declare the proceedings in R.P.No.5 of 2004 dated 30.10.2004 of the 1st respondent confirming the orders passed by the 2nd respondent vide his proceedings in AC.No.6 of 2004 CSR7 dated 11.6.2004 and the proceedings of the 3rd respondent in RC.No.5/2000-A dated 15.2.2000 as arbitrary and illegal and consequently to restore the authorization of the petitioner.

It appears that the petitioner was a fair price shop dealer at R.Tallavalasa village, Bheemunipatnam Mandal, Visakhapatnam. The 3rd respondent-Revenue Divisional Officer, Visakhapatnam issued a show cause notice dated 5.1.2000 to the petitioner asking him to explain as to why his authorization should not be cancelled for the irregularities enumerated therein.

According to the petitioner, he had submitted an explanation to the show cause notice on 8.1.2000. But, the authorities without referring the explanation, passed the impugned order dated 15.2.2000 canceling the authorization of the petitioner. Aggrieved by the same, he filed an appeal before the Joint Collector. The Joint Collector, after an elaborate consideration, dismissed the appeal on 11.6.20004. The petitioner further carried the matter in revision before the District Collector, who dismissed the same on 30.10.2004. Aggrieved by the same, the present writ petition is filed.

The grievance of the petitioner is that though he filed an explanation to the show cause notice dated 5.1.2000 on 8.1.2000 itself, the same was not considered and his authorization was cancelled erroneously and the same was confirmed by the Joint Collector and the District Collector in appeal and revision respectively.

I have perused the impugned order and other material available on record. The charges leveled against the petitioner are very grave in nature and they are supported by documentary evidence, such as, statements given by the individual card holders against the

irregularities committed by the petitioner in distribution of kerosene oil, sugar and other essential commodities. In fact, the petitioner did not submit any explanation to the show cause notice issued to him.

The learned counsel for the petitioner asserted that the petitioner has submitted his explanation on 8.1.2000 itself and the same was not taken in to consideration.

In this regard, a perusal of the original record shows that the authorization of the petitioner for the fair price shop was cancelled, as he failed to submit his explanation to the show cause notice dated 5.1.2000 issued to him alleging the irregularities committed by him. The entire file also does not contain the said explanation.

All this would show that the contention of the petitioner that he has filed an explanation on 8.1.2000 and the same was not taken into consideration is only an after thought. The irregularities are very serious in nature.

Hence, I am of the opinion that no irregularity or illegality has been committed by the authorities in canceling the authorization of the petitioner. Therefore, no interference is required under Article 226 of

the Constitution of India. Writ petition is devoid of merits and is liable to be dismissed.

Writ petition is, accordingly, dismissed. No costs.

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24.08.2006

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